



California Fair Political Practices Commission

August 20, 1986

Ro Aguilar
Administrative Analyst
East Bay Regional Park District
11500 Skyline Blvd.
Oakland, CA 94619-2443

Re: FPPC No. A-86-243

Dear Mr. Aguilar:

This is in reply to your letter dated July 25, 1986, concerning the lobbying disclosure provisions of the Political Reform Act.

FACTS

East Bay Regional Park District is a lobbyist employer as defined in Government Code Section 82039.5. In your letter, you state that occasionally, District staff or directors will arrange a helicopter tour of the entire park district or a specific site in order to acquaint legislative and state agency officials with the needs and conditions in a particular area.

QUESTION

Are the helicopter rides for state officials and legislators in connection with these informational tours reportable "gifts"?

ANSWER

Yes, helicopter rides provided to state officials and legislators in connection with tours of the park district are reportable "gifts."

The lobbying disclosure provisions require that lobbyist employers and others who are required to file reports under the lobbying provisions report, among other types of payments, "activity expenses," which are defined in Gov. Codes Section 86111 as:

Any expense incurred or payment made by a lobbyist, lobbying firm, lobbyist employer or a person described in subdivision (b) of Section 86115, or arranged by a lobbyist or lobbying

firm, which benefits in whole or in part any elective state official, legislative official, agency official, state candidate, or a member of the immediate family of one of these individuals. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation but do not include campaign contributions.

Section 82028 defines a "gift" as any payment to the extent that consideration of equal or greater value is not received. Certain types of payments are excluded from the definition of "gift." Specifically, Section 82028(b)(1) provides:

(b) The term "gift" does not include:

(1) Informational material such as books, reports, pamphlets, calendars or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "information material"...

The Commission has held that the exception for informational materials applies, under certain circumstances, to informational tours. For example, the exception has been applied in the case of tours of privately-owned facilities to which public access is restricted, and when the transportation provided was the only means of transportation to the site. Spellman Opinion, 1 FPPC 16 (No. 75-026, May 1, 1975), Duffy Advice Letter, A-84-084, and Olson Advice Letter, A-85-218 (copies enclosed).

With regard to the helicopter tour of the East Bay Regional Park District, it is an advantageous way of acquainting the officials with the Park District's needs and the conditions in a particular area of the Park District, but it is not the only way the officials could obtain the information. The officials could tour the site by automobile, or they could obtain an aerial view of the park district by purchasing a flight from a commercial helicopter flight company.

Therefore, we conclude that the East Bay Regional Park District must disclose as an "activity expense" on its Lobbyist Employer Report (Form 635) a gift in the amount of the fair market value of the helicopter ride provided to a state agency official or a legislative official.

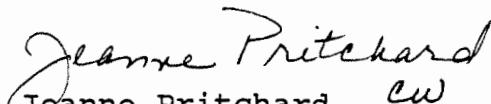
The "fair market value" may be reported as either the rate charged by a commercial helicopter flight company for a similar flight, or the charter rate for a similar flight divided by the number of passengers.

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In addition, the East Bay Regional Park District must advise each official who is provided with a helicopter tour of the value of the flight. This is because each official must report on his or her Statement of Economic Interests all gifts aggregating \$50 or more received from a single source in a calendar year.

Thank you for your inquiry. If you have additional questions, please call me at (916) 322-5662.

Sincerely,


Jeanne Pritchard *ew*
Division Chief, Technical
Assistance & Analysis Division

JP:kt



East Bay Regional Park District

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July 25, 1986

Ms. Jean Pritchard
Fair Political Practice Division
P.O. Box 804
Sacramento, CA 95804

Dear Ms. Pritchard:

In talking with the staff at the Fair Political Practices Division the issue arose as to whether helicopter rides for state officials and legislators should be considered a "gift".

Occasionally, East Bay Regional Park District staff or directors will arrange a helicopter tour of the entire park district or a specific site in order to acquaint officials with our needs and conditions in a particular area. Although we have reported this activity on our 635, we certainly would appreciate your advice on the reportability of these informational tours.

Thank you for your assistance.

Sincerely,

Ro Aguilar
Administrative Analyst

RA:paf

cc: Ternes-Houston & Associates